

THE CHAIRMAN:⁽⁸⁾ Under the unanimous-consent agreement,⁽⁹⁾ all time for debate has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I offer an amendment. Do I correctly understand I cannot discuss it?

The amendment was read.

MR. HAYS: Do I correctly understand that all time to explain amendments has expired?

THE CHAIRMAN: The gentleman is correct.

Parliamentarian's Note: Special provision is made in Rule XXIII clause 6 (as amended in 1971), *House Rules and Manual* §874 (101st Cong.), for debate on any amendment which a Member has caused to be printed in the Record.

C. OFFERING PARTICULAR KINDS OF AMENDMENTS; PRECEDENCE AND PRIORITIES

§ 15. Introductory; Perfecting Amendments, Generally

The broader principles governing the order in which amendments are considered during the process of reading a bill for amendment have been discussed in prior sections.⁽¹⁰⁾ Similarly, the general rules governing the number and forms of amendments that may be under consideration at any one time have been treated elsewhere.⁽¹¹⁾ The purpose of this and ensuing sections is to consider procedures applicable in offering specific kinds of amendments.

It should be noted at the beginning that a motion to strike out

the enacting words of a bill, being a device used for purposes of rejecting the bill, has precedence over a motion to amend the bill.⁽¹²⁾

Generally, the House follows the principle expressed in Jefferson's Manual that language should be perfected before taking other action on it. Thus, a perfecting amendment to the text of a bill is in order and takes precedence over a pending motion to strike out the text.⁽¹³⁾ The term "perfecting amendment," of course, includes amendments or motions to strike out and insert.⁽¹⁴⁾

8. Charles M. Price (Ill.).

9. See Sec. 14.12, *infra*, for discussion of an instance where five-minute debate was closed by motion.

10. See, for example, §7–10, *supra*.

11. See, §5, 6, *supra*.

12. Rule XXIII clause 7, *House Rules and Manual* §875 (101st Cong.).

13. See §15.3, *infra*.

14. See, generally, §16, *infra*.

When a motion to strike out is pending, it is not in order to offer a substitute therefor; but a perfecting amendment to the text proposed to be stricken may be offered at such time.⁽¹⁵⁾ And while it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been agreed to, a perfecting amendment to a paragraph of the bill proposed to be stricken out (in conformity with the purpose of the adopted substitute) may be offered while the motion to strike out is pending, and the perfecting amendment is first voted upon.⁽¹⁶⁾

To illustrate further, where a paragraph (or section) of a bill is under consideration, there may be pending at one time the following separate motions to amend if offered in the order indicated:

- (1) to strike out the paragraph (or section) in its entirety;
- (2) to strike out the paragraph (or section) and insert;
- (3) to insert, strike out and insert, or strike out a portion of the paragraph (or section)—a perfecting amendment to the paragraph or section.

However, if the perfecting amendment (3) is offered first, the motions to strike out the paragraph and insert new language (2) or to strike out the paragraph (1) may not be offered until the perfecting amendments are disposed

of. The above motions to amend are voted on in the reverse order listed above, under the principle that language should first be perfected before changed in its entirety or stricken out. With the exception that (2) above may be amended by a perfecting amendment before it is voted upon, it is generally the rule that the above motions may not be offered as amendments to or substitutes for one another.

Generally; Precedence Over Motion To Strike

§ 15.1 To a paragraph of a bill, there may be pending at one time the following separate motions to amend: (1) to insert; (2) to strike out the paragraph and insert; and (3) to strike out the paragraph. These motions are voted on separately in the order listed; they may not be offered as amendments to or substitutes for one another, and they need not be offered in the order in which they are voted on.

An illustration of the procedures described above is found in the proceedings of July 12, 1951,⁽¹⁷⁾ during consideration of a

15. See § 18.9, *infra*.

16. See § 2.16, *infra*.

17. 97 CONG. REC. 8073, 8077, 8084, 8090, 82d Cong. 1st Sess.

bill⁽¹⁸⁾ to amend the Defense Production Act of 1950.

MR. HOWARD H. BUFFETT (of Nebraska): Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Buffett: Page 8, line 25, strike out all of subsection (e). . . .

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, I offer a substitute.

The Clerk read as follows:

Amendment offered by Mr. Wolcott as a substitute for the amendment offered by Mr. Buffett: Page 8, line 25, strike out subsection (e) and insert in lieu thereof the following:

"(e) When in his judgment it will aid the national defense, the President is authorized to install additional equipment facilities, processes, or improvements to plants, factories, and other industrial facilities owned by the United States Government, and to install Government-owned equipment in plants, factories, and other industrial facilities owned by private persons." . . .

MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, I offer an amendment perfecting the language sought to be stricken by the amendment offered by the gentleman from Nebraska [Mr. Buffett].

The Clerk read as follows:

Amendment offered by Mr. Javits: On page 9, line 1, after the word "defense", insert "and upon the certification of the Director of Defense Mobilization that it is required for the national defense and is not otherwise obtainable." . . .

18. H.R. 3871.

THE CHAIRMAN:⁽¹⁹⁾ The gentleman from Nebraska [Mr. Buffett] has moved to strike certain language from the bill beginning with line 25 on page 8 through line 20, page 9. The gentleman from Michigan [Mr. Wolcott] has offered a motion which he labeled a substitute, but which in reality is a motion to strike out and insert. The gentleman from New York [Mr. Javits] has offered a perfecting amendment.

Under the rules the perfecting amendment will be voted upon first; the motion to strike out and insert will be voted upon next; and, should the amendment by the gentleman from Michigan [Mr. Wolcott] be adopted, the motion made by the gentleman from Nebraska [Mr. Buffett] would fall.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Is the amendment offered by the gentleman from New York [Mr. Javits] an amendment to the Wolcott substitute or to the Buffett amendment?

THE CHAIRMAN: The gentleman from New York [Mr. Javits] has offered a perfecting amendment to the text of the bill; it is not an amendment to the Wolcott amendment.

MR. JAVITS: Mr. Speaker, I ask unanimous consent that the amendments may be read before they are voted on.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

There was no objection.

19. Wilbur D. Mills (Ark.).

THE CHAIRMAN: The Clerk will read the amendment offered by the gentleman from New York [Mr. Javits].

The Clerk read as follows:

Amendment offered by Mr. Javits: Page 9, line 1, after the word "defense", insert "and upon certification of the Director of Defense Mobilization that it is required for the national defense and is not otherwise obtainable."

THE CHAIRMAN: The question is on the amendment.

The amendment was agreed to.

THE CHAIRMAN: The question recurs on the amendment offered by the gentleman from Michigan [Mr. Wolcott], which the Clerk under the unanimous-consent agreement will read.

The Clerk read as follows:

Amendment offered by Mr. Wolcott as a substitute for the amendment offered by Mr. Buffett: Page 8, line 25, strike out subsection (e) and insert in lieu thereof the following:

"(e) When in his judgment it will aid the national defense, the President is authorized to install additional equipment facilities, processes, or improvements to plants, factories, and other industrial facilities owned by the United States Government, and to install Government-owned equipment in plants, factories, and other industrial facilities owned by private persons."

THE CHAIRMAN: The question is on the amendment.

The question was taken; and on a division (demanded by Mr. Wolcott) there were—ayes 125, noes 116. . . .

So the amendment was agreed to.

THE CHAIRMAN: Accordingly the amendment offered by the gentleman from Nebraska [Mr. Buffett] falls.

§ 15.2 While a motion to strike out is pending, it is in order

to offer an amendment to perfect the language proposed to be stricken out; such a perfecting amendment (which is in the first degree) may be amended by a substitute (also in the first degree), and amendments to the substitute are then in the second degree and in order.

On Oct. 19, 1983,⁽²⁰⁾ during consideration of H.R. 3231,⁽¹⁾ in the Committee of the Whole, the proceedings described above occurred as follows:

AMENDMENT OFFERED BY MR. COURTER

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Courter: Page 14, line 4, strike out "If" and all that follows through "involved." on line 8.

Page 16, line 18, strike out "If" and all that follows through "involved." on line 22. . . .

PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [DON] BONKER [of Washington]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. Bonker: Page 14, line 4, strike

20. 129 CONG. REC. 28274, 28282, 28283, 98th Cong. 1st Sess.

1. Export Administration Act Amendments of 1983.

out "If" and all that follows through "involved." on line 8 and insert in lieu thereof the following: "If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved." . . .

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I offer an amendment as a substitute for the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: Page 14, line 8, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President determines that the absence of the export control involved would prove detrimental to the national security of the United States." . . .

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [DUNCAN L.] HUNTER [of California]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. Hunter to the amendment offered by Mr.

Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: At the end of the Solomon amendment add the following new sentence: "If at the end of said year, foreign availability remains, and the President determines that transfer of the subject technology by the United States would damage national security, the Secretary shall require a license as a prerequisite to transfer." . . .

MR. BONKER: Mr. Chairman, I have offered an amendment to the amendment in the nature of a substitute but as I understand it the gentleman from New Jersey simply strikes. So my amendment would be to the text of the bill.

THE CHAIRMAN: ⁽²⁾ The gentleman is correct. His amendment is in the first degree as a perfecting amendment to the provision which the gentleman from New Jersey would strike out.

MR. BONKER: The amendment that has been offered by the gentleman from California (Mr. Hunter), is that in the form of an amendment to my substitute or in the form of an amendment to my amendment?

THE CHAIRMAN: As the Chair understands it, it is an amendment to the substitute offered by the gentleman from New York. It is an amendment to the Solomon substitute for the Bonker perfecting amendment.

MR. BONKER: Is that an amendment in the third degree?

THE CHAIRMAN: No, it is not. The Solomon amendment is a substitute and this is an amendment to the substitute for the Bonker amendment.

MR. BONKER: Mr. Chairman, I withdraw my point of order.

2. John F. Seiberling (Ohio).

§ 15.3 A perfecting amendment to the text of a bill is in order and takes precedence over a pending motion to strike out the text.

On Oct. 3, 1969,⁽³⁾ The following proceedings took place:

The Clerk read as follows:

Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

The Clerk read as follows:

Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:

"Sec. 505. (a) The Comptroller General of the United States (hereinafter in this section referred to as the 'Comptroller General') is authorized. . . ."

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, is this an amendment to the amendment or is this another amendment?

THE CHAIRMAN:⁽⁴⁾ The Chair will state that this is an amendment offered by the gentleman from Indiana to title V.

MR. RIVERS: Mr. Chairman, I submit that this amendment is not germane because the amendment before embodied is to strike the section. How can you have an amendment to a section that is to be stricken? . . .

THE CHAIRMAN: . . . Perfecting amendments to a title in a bill may be

3. 115 CONG. REC. 28454, 28455, 91st Cong. 1st Sess. Under consideration was H.R. 14000.

4. Daniel D. Rostenkowski (Ill.).

offered while there is pending a motion to strike out such title. . . . The Chair will state that the amendment offered by the gentleman from Indiana is to title V; a perfecting amendment, and it is in order to offer perfecting amendments when a motion to strike is pending. . . .

MR. (FRANK E.) EVANS of Colorado: Mr. Chairman, if the amendment of the gentleman from Indiana passes, and thereafter the motion of the gentleman from New York passes, what is the status of the amendment of the gentleman from Indiana?

THE CHAIRMAN: If the amendment offered by the gentleman from Indiana is agreed to and the motion offered by the gentleman from New York to strike the whole title is agreed to, then the amendment will be stricken.

§ 15.4 A perfecting amendment may be offered while a motion to strike out is pending and the perfecting amendment is first acted upon.

On Aug. 14, 1963,⁽⁵⁾ the following proceedings took place:

The Chairman:⁽⁶⁾ The Clerk will report the committee amendments.

5. 109 CONG. REC. 14987, 14988, 88th Cong. 1st Sess. Under consideration was H.R. 6143.

See also 109 CONG. REC. 2462, 2488, 2489, 88th Cong. 1st Sess., Feb. 7, 1963, for a further ruling that a perfecting amendment may be offered while a motion to strike out is pending.

And see 96 CONG. REC. 4518, 4521, 81st Cong. 2d Sess., Mar. 31, 1950.

6. W. Homer Thornberry (Tex.).

COMMITTEE AMENDMENTS

Page 7, line 4, insert "State" immediately before "commission". . . .

Page 15, beginning with line 5, strike out everything down through line 16 on page 16.

Page 23, beginning in line 5, strike out ", notwithstanding the provisions of any other law,".

Page 23, line 7, strike out "may be" and insert in lieu thereof "are".

Page 26, line 7, after "divinity" insert the following: "(For the purposes of this subparagraph, the term 'school or department of divinity' means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion. . . .

MR. [JOHN B.] ANDERSON [of Illinois]: Mr. Chairman, I offer a perfecting amendment to the text of the bill which the committee amendment proposes to strike out on page 15, line 9.

The Clerk read as follows:

Amendment offered by Mr. Anderson as a perfecting amendment to the text of the bill: On page 15, beginning with line 9, strike out everything down through line 21 on page 16 and insert the following:

"(b)(1) The Commissioner's approval or disapproval of an application for a grant under title I or loan under title III shall be effected by an order which shall be conclusive except as otherwise provided in this subsection. Notice of such order shall be published in the Federal Register and shall contain such information as the Commissioner deems necessary to effectuate the purposes of this subsection. . . .

MR. [JAMES] ROOSEVELT [of California]: Mr. Chairman, is not the effect of the gentleman's amendment to wipe

out all of the committee amendments, not just the one to which he refers? And secondly, Mr. Chairman, would it not therefore be in order for the gentleman to withdraw his amendment at this time and offer it afresh after the adoption of the committee amendments?

THE CHAIRMAN: In answer to the parliamentary inquiry of the gentleman from California, the gentleman from Illinois can offer the amendment at this time if he so desires. . . .

The Chair will state that the gentleman from Illinois [Mr. Anderson] is offering a perfecting amendment to the text of the bill which the committee amendment proposes to strike out and the gentleman's amendment does not affect the other committee amendments except this particular amendment. The gentleman's amendment takes precedence over just this one committee amendment.

§ 15.5 A perfecting amendment to a paragraph may be offered while a motion to strike out the paragraph is pending, and the perfecting amendment is voted on first.

On June 24, 1975,⁽⁷⁾ The Committee of the Whole having under consideration a bill,⁽⁸⁾ an amendment was offered and proceedings were as indicated below:

MR. [LEO J.] RYAN [of California]: Mr. Chairman, I offer an amendment.

7. 121 CONG. REC. 20569, 20570, 20573, 20574, 94th Cong. 1st Sess.

8. H.R. 8070, Department of Urban Development appropriations, 1976.

The portion of the bill to which the amendment relates is as follows:

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed \$1,000 for official reception and representation expenses: \$40,000,000: . . .

The Clerk read as follows:

Amendment offered by Mr. Ryan: Page 26, strike out line 18 and all that follows thereafter through page 27, line 13.

MR. [ROBERT F.] DRINAN [of Massachusetts]: Mr. Chairman, I have a perfecting amendment to the paragraph of the bill which the Ryan amendment seeks to strike.

THE CHAIRMAN: ⁽⁹⁾ The Clerk will report the perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. Drinan to the paragraph which the Ryan amendment seeks to strike: On page 27, line 1, strike out "\$40,000,000" and insert in lieu thereof "\$17,672,000."

On page 27, line 11, strike out "\$8,300,000" and insert in lieu thereof "\$3,272,000." . . .

THE CHAIRMAN: The question is on the perfecting amendment offered by the gentleman from Massachusetts (Mr. Drinan). . . .

[T]he perfecting amendment was rejected.

9. James G. O'Hara (Mich.).

THE CHAIRMAN: The question is on the amendment offered by the gentleman from California (Mr. Ryan).

The amendment was rejected.

§ 15.6 While an amendment to strike out a section of a bill is pending, a perfecting amendment to that section (to strike out a portion of that section and insert new language) may be offered.

On July 26, 1973,⁽¹⁰⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Otto E.] Passman [of Louisiana]: Strike out everything after line 13, page 41, through line 7, page 47.

MR. PASSMAN: Mr. Chairman and Members of the Committee, as I mentioned earlier, this item was not requested in the budget; it was not submitted to the Committee on Appropriations; and we have not had hearings on it.

MR. [DANTE B.] FASCELL [of Florida]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. Fascell: On page 42, strike out lines 13 through 18 and insert in lieu thereof the following: . . .

THE CHAIRMAN: ⁽¹¹⁾ The question is on the perfecting amendment offered by the gentleman from Florida (Mr. Fascell).

The perfecting amendment was agreed to. . . .

10. 119 CONG. REC. 26201-05, 93d Cong. 1st Sess. Under consideration was H.R. 9360.

11. Charles M. Price (Ill.).

MR. PASSMAN: Mr. Chairman, I do not wish to belabor this discussion any longer. What will the vote be on? Will it be on my own amendment?

THE CHAIRMAN: The gentleman's amendment is the pending amendment.

The question is on the amendment offered by the gentleman from Louisiana (Mr. Passman).

§ 15.7 A perfecting amendment to the text of a bill (inserting new words) is in order and takes precedence over a pending motion to strike out that portion of the text of the bill.

On Mar. 19, 1970,⁽¹²⁾ the following proceedings took place:

Amendment offered by Mr. [David W.] Dennis [of Indiana]: . . .

Page 304, strike out lines 1 through 21 in their entirety, thus striking out all of subsection (b) of section 907A of the bill. . . .

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harsha: On page 304, line 7, after the word "burglary" insert "in the first degree". . . .

MR. DENNIS: Mr. Chairman, there is a motion here to strike that is pending. I query whether this amendment offered by the gentleman from Ohio is in order under those circumstances. Only a motion to strike is before the committee.

12. 116 CONG. REC. 8188-91, 91st Cong. 2d Sess.

THE CHAIRMAN:⁽¹³⁾ The motion of the gentleman from Indiana is to strike the section. The amendment offered by the gentleman from Ohio is a perfecting amendment in that language that is moved to be stricken.

MR. DENNIS: Pardon me, Mr. Chairman. I think it is a perfecting amendment in connection with the bill but not as to my amendment. I raise a point of order against it.

THE CHAIRMAN: The Chair will advise the gentleman that the amendment offered by the gentleman from Ohio is in the nature of a perfecting amendment that falls within that section of the bill that the gentleman from Indiana would strike by his amendment. Therefore it is in order.

§ 15.8 Where a motion to strike out is pending, perfecting amendments may be offered and acted on before consideration of the motion to strike; and if the motion to strike is rejected, further perfecting amendments to the pending text are in order.

On Oct. 3, 1977,⁽¹⁴⁾ the Committee of the Whole having under consideration H.R. 3816,⁽¹⁵⁾ the proceedings described above were as follows:

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I offer an amendment.

13. James C. Corman (Calif.).

14. 123 CONG. REC. 32013, 32017, 95th Cong. 1st Sess.

15. A bill to amend the Federal Trade Commission Act.

The Clerk read as follows:

Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mrs. Fenwick:

Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of such subsection, the court may grant such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent."

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I make a point of order against the amendment. . . .

. . . [P]ending before the committee is an amendment to the bill striking section 7 in its entirety. The gentlewoman from New Jersey (Mrs. Fenwick) has offered what she characterizes as a perfecting amendment to an amendment to strike which amends a portion of section 7.

It is my view, Mr. Chairman, that that amendment is not in order since section 7 is to be stricken entirely if the original amendment carries. The second amendment, the perfecting amendment, is inconsistent with the original amendment in its entirety, and for that reason it is out of order. . . .

THE CHAIRMAN:⁽¹⁶⁾ The Chair is ready to rule.

The perfecting amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) is not an amendment to the amendment to strike. It is an amendment in the nature of a perfecting amendment to the bill.

Perfecting amendments to the text of the bill are in order and take precedence over a pending motion or amendment to strike the pending portion of the bill.

Therefore, the Chair respectfully overrules the point of order. . . .

MR. WIGGINS: Mr. Chairman, several of us have amendments which will be offered if the motion to strike does not carry. Will those perfecting amendments be in order after the vote on the motion to strike?

THE CHAIRMAN: The Chair will state that if the amendment or motion to strike does not carry, those amendments will be in order.

§ 15.9 Where an amendment striking out a section is first offered, an amendment to change a portion of the section proposed to be stricken is then offered as a perfecting amendment (in the first degree) to the bill and not as an amendment to the motion to strike; the perfecting amendment is voted on first and remains part of the bill if the motion to strike is then rejected.

An example of the proposition described above occurred on Sept. 18, 1986,⁽¹⁷⁾ during consideration

17. 132 CONG. REC. 24120-22, 99th Cong. 2d Sess.

16. Abraham Kazen, Jr. (Tex.).

of H.R. 1426.⁽¹⁸⁾ The proceedings in the Committee of the Whole were as follows:

MR. [HOWARD C.] NIELSON of Utah: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Nielson of Utah: Page 12, strike line 1 and all that follows through page 14, line 20 (and redesignate the subsequent sections of title II of the bill accordingly). . . .

MR. [JOHN S.] MCCAIN [of Arizona]: Mr. Chairman, I offer a perfecting amendment.

THE CHAIRMAN:⁽¹⁹⁾ The Clerk will report the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. McCain. Section 201 is amended by striking:

“(h) There are authorized to be appropriated for the purposes of carrying out the provisions of this section—

“(1) \$28,000,000 for fiscal year 1988. . . .

THE CHAIRMAN: The question is on the perfecting amendment offered by the gentleman from Arizona (Mr. McCain) to title II.

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Utah (Mr. Nielson).

The amendment was rejected.

THE CHAIRMAN: Are there other amendments to title II? . . .

MR. NIELSON of Utah: Mr. Chairman, on the perfecting amendment of

the gentleman from Arizona (Mr. McCain), that amendment passed but my amendment failed. That means that his amendment went down with mine; is that correct?

THE CHAIRMAN: The perfecting amendment of the gentleman from Arizona prevailed to the bill, not to the gentleman's amendment, and at the present it is the prevailing amendment.

MR. NIELSON of Utah: It is part of the bill, then?

THE CHAIRMAN: The gentleman is correct. Yes; it is part of the bill.

§ 15.10 The Chair indicated in response to a parliamentary inquiry that an amendment to add words to a paragraph, offered while a motion to strike that paragraph was pending, was a preferential perfecting amendment and not a substitute for the motion to strike.

On Feb. 24, 1977,⁽²⁰⁾ the Chair, responding to a parliamentary inquiry, indicated that where it was proposed to strike out a paragraph of a bill⁽¹⁾ and an amendment was offered perfecting the text of the bill, such amendment was a preferential amendment and not a substitute for the mo-

20. 123 CONG. REC. 5321, 5323, 5325, 95th Cong. 1st Sess.

1. H.R. 11, Local Public Works Capital Development and Investment Act amendments.

18. Indian Health Care amendments.

19. Beryl F. Anthony, Jr. (Ark.).

tion to strike. The proceedings were as follows:

MR. [SAM] GIBBONS [of Florida]: Madam Chairman, I offer an amendment.

The Clerk read as follows: . . .

Page 2, strike out line 23 and all that follows down through and including line 7 on page 3. . . .

MR. [WILLIAM H.] HARSHA [of Ohio]: Madam Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. Harsha: Page 3, line 7, after the first period insert the following:

"This subsection shall not apply in any case where the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable. . . .

MR. GIBBONS: Madam Chairman, I move to strike the last word. I only take the floor for the purpose of asking the gentleman from Ohio to clarify his amendment. As I understand it, his amendment is a substitute for my amendment. If the gentleman's amendment is adopted, my amendment would be wiped out and his would, in effect, be reaffirmation of the existing buy American law. . . .

THE CHAIRMAN:⁽²⁾ The Chair would say to the gentleman from Florida that the amendment offered by the gentleman from Ohio is a perfecting amendment to the text of the bill, and it will be voted on first because of its precedence.

MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, would the Chair explain the parliamentary situation?

THE CHAIRMAN: The parliamentary situation is this:

The gentleman from Florida (Mr. Gibbons) offered an amendment to strike a paragraph from the bill. The gentleman from Ohio (Mr. Harsha) offered an amendment which is a perfecting amendment to the original bill and which, if it is adopted, would be a part of the original text which the gentleman from Florida proposes to strike.

The question would then occur on the amendment offered by the gentleman from Florida (Mr. Gibbons). If the amendment offered by the gentleman from Florida were adopted, then the language which had been included as a perfecting amendment would also be stricken, along with the rest of the paragraph.

The question is on the perfecting amendment offered by the gentleman from Ohio (Mr. Harsha).

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Florida (Mr. Gibbons).

The amendment was rejected.

Debate on Motion To Strike May Precede Offering of Perfecting Amendment

§ 15.11 While a motion to strike a pending portion of a bill will be held in abeyance until perfecting amendments to that portion are disposed of, a Member who has been recognized to debate his motion to strike may not be deprived of the floor by an-

2. Barbara Jordan (Tex.).

other Member who seeks to offer a perfecting amendment; after the Member so recognized has completed his five minutes in support of his motion to strike, but before the question is put on the motion to strike, the perfecting amendment may be offered and voted upon.

On Oct. 31, 1975,⁽³⁾ the Committee of the Whole having under consideration a bill,⁽⁴⁾ the proceedings, described above, were as follows:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rousselot: Beginning on page 10, line 18, strike all that follows through page 188, line 10. . . .

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: I believe that under the rules of the House since this amendment involves a motion to strike the title, that perfecting amendments that are at the desk take precedence over such a motion to strike a title. Is that not correct?

THE CHAIRMAN:⁽⁵⁾ That is true, if any are offered.

MR. ST GERMAIN: I believe there are amendments pending.

3. 121 CONG. REC. 34564, 34565, 94th Cong. 1st Sess.
4. H.R. 10024, Depository Institutions Amendments of 1975.
5. Spark M. Matsunaga (Hawaii).

MR. [JOHN JOSEPH] MOAKLEY [of Massachusetts]: Mr. Chairman, I might state that I was standing when the Chairman recognized the gentleman from California (Mr. Rousselot), and I have a perfecting amendment at the desk.

THE CHAIRMAN: The Chair will state that the amendment offered by the gentleman from California, Mr. Rousselot, is pending now, and that the gentleman from California has been recognized. The gentleman may offer his perfecting amendment after the gentleman from California has completed his five minutes in support of his amendment to strike.

En Bloc Amendment Striking Text

§ 15.12 Where by unanimous consent, several committee amendments are being considered en bloc, an amendment to perfect text proposed to be stricken by one of the en bloc amendments is in order; it takes precedence over that particular committee amendment, and is first acted upon.

On Aug. 14, 1963,⁽⁶⁾ the following proceedings took place:

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc. . . .

6. 109 CONG. REC. 14987, 14988, 88th Cong. 1st Sess. Under consideration was H.R. 6143.

There was no objection. . . .

[The Clerk here read several committee amendments, one of which follows:]

[COMMITTEE AMENDMENTS]

Page 15, beginning with line 5, strike out everything down through line 16 on page 16. . . .

MR. [JOHN B.] ANDERSON [of Illinois]: Mr. Chairman, I offer a perfecting amendment to the text of the bill which the committee amendment proposes to strike out on page 15, line 9.

The Clerk read as follows:

Amendment offered by Mr. Anderson as a perfecting amendment to the text of the bill: . . .

In response to parliamentary inquiries as to the propriety of the amendment, the Chairman⁽⁷⁾ stated:

The Chair will state that the gentleman from Illinois [Mr. Anderson] is offering a perfecting amendment to the text of the bill which the committee amendment proposes to strike out and the gentleman's amendment does not affect the other committee amendments except this particular amendment. The gentleman's amendment takes precedence over just this one committee amendment.

Perfecting Amendment Not Offered to Motion To Strike

§ 15.13 When a motion to strike out a pending portion of a bill is pending, per-

7. W. Homer Thornberry (Tex.).

fecting amendments are in order to the text proposed to be stricken—not to the motion to strike.

On Aug. 4, 1966,⁽⁸⁾ the following proceedings took place after a unanimous-consent request had been made that, when the Committee of the Whole resumed consideration of the bill, there would be thirty minutes of debate followed by a vote on the pending motion to strike a title of the bill, and, if that motion were defeated, the Committee would then continue to consider the title:

MR. [DURWARD G.] HALL [of Missouri]: . . . [T]he Chair repeatedly ruled in the last 2 weeks of debate, if you will recall, that perfecting amendments must be heard to the Moore amendment before you called for a vote and then thereafter there will be additional votes on title IV. This was thoroughly understood.

THE CHAIRMAN:⁽⁹⁾ The gentleman from Missouri must have misheard the Chair, because there have been and there are and there could be no perfecting amendments to the Moore motion to strike. The perfecting amendments are to the title, and the title must be perfected prior to a vote on the Moore amendment unless this

8. 112 CONG. REC. 18207, 89th Cong. 2d Sess. Under consideration was H.R. 14765.

9. Richard Bolling (Mo.).

unanimous-consent agreement is entered into.

Amendment Construed as Offered to Bill

§ 15.14 Since a perfecting amendment to strike out and insert takes precedence over a motion to strike out, the Chair may examine the effect of an amendment proposed to a pending motion to strike to determine whether it is properly a perfecting amendment in the first degree to that portion of the bill proposed to be stricken.

On July 18, 1979,⁽¹⁰⁾ while a motion to strike out certain words in a bill was pending, the Chair interpreted another amendment, imprecisely drafted as an amendment to that amendment reinserting with one change all the words proposed to be stricken, as in reality a perfecting amendment to the bill which merely changed some of the language proposed to be stricken. The proceedings, during consideration of H.R. 4473, foreign assistance appropriations for fiscal 1980, were as follows:

The Clerk read as follows:

¹⁰ 125 CONG. REC. 19310-12, 96th Cong. 1st Sess.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury \$292,000,000 for the United States contribution to the fourth replenishment as authorized by the Act of August 14, 1974 (Public Law 93-373), to remain available until expended. . . .

MR. [C. W. BILL] YOUNG of Florida: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Young of Florida: On page 4, line 4, after the comma, strike the remainder of line 4 and lines 5 through 7.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment by Mr. Obey to the amendment offered by Mr. Young of Florida: Restore the matter stricken by said amendment, changing the sum named in such matter to "\$286,160,000". . . .

MR. YOUNG of Florida: Mr. Chairman, I make the point of order that this amendment is not in proper form. It is not germane to the amendment it seeks to amend. To the contrary, it would seek to amend the bill.

The gentleman's amendment mentions a dollar figure. There is no dollar figure mentioned in the Young amendment which it seeks to amend. The Young amendment simply is an amendment to strike language from the bill. It neither substitutes nor replaces, it merely strikes. I submit that this amendment is not in proper form and is not germane to the amendment. . . .

THE CHAIRMAN:⁽¹¹⁾ The Chair has looked at the amendment, and the Chair would say that the amendment of the gentleman from Florida strikes a part of the bill, that the amendment sent up by the gentleman from Wisconsin is, in fact, a perfecting amendment to the bill, which is one of the exceptions of having two amendments pending at the same time. The amendment of the gentleman from Wisconsin only changes the figure that is part of the text of the bill which the gentleman from Florida seeks to strike altogether, and therefore the Chair will respectfully overrule the point of order.

Amendments Disposed of Seriatim; Perfecting Amendment Striking Smaller Portion of Text

§ 15.15 Perfecting amendments to a paragraph may be offered (one at a time) while a motion to strike out the paragraph is pending, and such perfecting amendments are first disposed of.

On Mar. 29, 1966,⁽¹²⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Frank T.] Bow [of Ohio]: On page 4, strike out lines 6 through 22, inclusive.
...

MR. [LEONARD] FARBSTein [of New York]: Mr. Chairman, I offer an amendment.

11. Abraham Kazen, Jr. (Tex.).

12. 112 CONG. REC. 7104-06, 7118, 89th Cong. 2d Sess. Under consideration was H.R. 14012.

The Clerk read as follows:

Amendment offered by Mr. Farbstein: On page 4, line 14, strike out "\$12,000,000" and insert in lieu thereof "\$30,000,000".

MR. [JOSEPH L.] EVINS of Tennessee: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York since the amendment offered by the gentleman from Ohio [Mr. Bow] is pending.

THE CHAIRMAN:⁽¹³⁾ The Chair is prepared to rule.

The amendment offered by the gentleman from New York is a perfecting amendment to the paragraph, which the amendment offered by the gentleman from Ohio would completely strike out. Since the amendment offered by the gentleman from New York is a perfecting amendment, it is in order. . . .

The amendment was rejected.

MR. [WILLIAM F.] RYAN [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ryan: On page 4, strike out lines 15 through 22.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

THE CHAIRMAN: The question now occurs on the amendment offered by the gentleman from Ohio [Mr. Bow].

13. James G. O'Hara (Mich.).

Perfecting Amendments Where Motion To Strike Being Considered by Unanimous Consent

§ 15.16 A unanimous-consent request to consider an amendment to a section of a bill which has not been read for amendment, where the bill is being read for amendment by sections, does not permit the offering of other amendments to that section of the bill; thus, while perfecting amendments to the text of a bill may ordinarily be offered pending a motion to strike that text, perfecting amendments may not be offered to one portion of a section of a bill not yet read for amendment where unanimous consent has been obtained to consider a motion to strike another portion of that section.

On Oct. 5, 1977,⁽¹⁴⁾ the Committee of the Whole having under consideration H.R. 8410,⁽¹⁵⁾ the proceedings, described above, occurred as follows:

THE CHAIRMAN:⁽¹⁶⁾ Are there further amendments to section 7? . . .

14. 123 CONG. REC. 32523, 32524, 95th Cong. 1st Sess.

15. The Labor Reform Act of 1977.

16. William H. Natcher (Ky.).

MR. [JOHN N.] ERLNBORN [of Illinois]: Mr. Chairman, I offer amendments to sections 7 and 8, and I ask unanimous consent that the amendments may be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois? . . .

There was no objection.

THE CHAIRMAN: The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Erlernborn: Page 22, line 14, strike "(1)"; page 22, line 15, strike "or" the second time it occurs, and all that follows through line 5, page 23. . . .

MR. [FRANK] THOMPSON [Jr., of New Jersey]: Mr. Chairman, I wonder if it is possible parliamentarily for the gentleman from Minnesota (Mr. Quie) to offer an amendment to the bill at this point.

THE CHAIRMAN: The Chair would advise the gentleman from New Jersey (Mr. Thompson) that an amendment to or a substitute for the motion to strike would not be in order.

MR. THOMPSON: But an amendment to the bill, rather than a substitute to strike, would be in order, Mr. Chairman?

THE CHAIRMAN: The Chair would advise the gentleman from New Jersey that, as the gentleman knows, section 8 is not open for amendment at this time, other than the Erlernborn amendment, and perfecting amendments to that section are not yet in order.

Amendment Striking Lesser Portion of Text

§ 15.17 Where it is proposed to strike out certain words in a

bill, it is in order to perfect the words before acting on the motion to strike; and the perfecting amendment may take the form of a motion to strike out a lesser portion of the words encompassed in the pending motion to strike.

On Oct. 3, 1969,⁽¹⁷⁾ the following proceedings took place:

The Clerk read as follows:

Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

The Clerk read as follows:

Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:

Sec. 505. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. . . .

17. 115 CONG. REC. 28454, 28455, 28459, 28460, 28463, 28464, 91st Cong. 1st Sess. Under consideration was H.R. 14000.

SUBSTITUTE AMENDMENT OFFERED BY
MR. ANDERSON OF ILLINOIS FOR THE
AMENDMENT TO TITLE V OFFERED BY
MR. JACOBS

MR. [JOHN B.] ANDERSON of Illinois: Mr. Chairman, I offer a perfecting amendment to title V.

The Clerk read as follows:

Amendment offered by Mr. Anderson of Illinois: On page 16, line 13, after the period, strike out the balance of the language of title V which appears on pages 16 down to the period on line 24, and add a new section 502 which reads as follows:

Sec. 502 (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the acquisition of any weapons system or other need of the United States.

"(b) The Secretary of Defense shall cause a review to be made of each major acquisition program as specified in subsection (a). . . ."

THE CHAIRMAN:⁽¹⁸⁾ . . . Does the gentleman from Illinois offer this amendment as a substitute for the amendment offered by the gentleman from Indiana (Mr. Jacobs)?

MR. ANDERSON of Illinois. Yes. . . .

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson) for the amendment offered by the gentleman from Indiana (Mr. Jacobs). . . .

So the substitute amendment was rejected. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs). . . .

18. Daniel D. Rostenkowski (Ill.).

So the amendment was rejected. . . .
The Clerk read as follows:

Amendment offered by Mr. [William F.] Ryan [of New York]: On page 16, after the period on line 13, strike out the remainder of line 13.
. . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from New York (Mr. Ryan).

The amendment was rejected.

THE CHAIRMAN: . . . The question is on the motion to strike offered by the gentleman from New York (Mr. Stratton).

The motion was agreed to.

§ 15.18 Where there is pending a motion to strike an entire title of a bill, it is in order to offer, as a perfecting amendment to that title, a motion to strike out a lesser portion of the title, and that perfecting amendment is voted on first.

On June 11, 1975,⁽¹⁹⁾ the Committee of the Whole having under consideration H.R. 6860,⁽²⁰⁾ motion to strike out a title of the bill was offered. The proceedings, described above, were as follows:

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Chairman, I offer an amendment.
The Clerk read as follows:

Amendment offered by Mr. Alexander: Strike out title II (relating to

energy conservation taxes), beginning on line 1 of page 29, and ending on line 24 of page 57. . . .

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, the amendment to strike will not be voted on until there is opportunity to vote on all of the perfecting amendments to title II?

THE CHAIRMAN:⁽¹⁾ The gentleman is correct.

MR. [FORTNEY H.] STARK [of California]: Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. Stark:

Page 30, strike out line 1 and all that follows down through line 5 on page 31.

Page 32, strike out line 20 and all that follows down through line 25. . . .

MR. ULLMAN: Mr. Chairman, the gentleman from California has offered an amendment which would strike part B. The gentleman from Arkansas has offered an amendment which would strike the whole title.

I would assume, after part B is perfected, as the gentleman's amendment to strike part B asks, it would come before the amendment to strike the whole title. Am I correct?

THE CHAIRMAN: The Chair would like to advise the chairman of the committee that the amendment offered by the gentleman from California (Mr. Stark) is a perfecting amendment and will be voted on first.

Parliamentarian's Note: When title II of the bill was read, an amendment was offered to strike

19. 121 CONG. REC. 18435, 18437, 18438, 94th Cong. 1st Sess.

20. Energy Conservation and Conversion Act of 1975.

1. William H. Natcher (Ky.).

out the entire title (no one sought recognition at that point with a perfecting amendment). Perfecting amendments to the text of the bill proposed to be stricken were in order although the motion to strike itself was not amendable. The first such perfecting amendment offered was to strike out a portion of the title. The Committee on Ways and Means sought to consider amendments to modify that portion prior to the consideration of a motion to strike that portion, but since only one perfecting amendment could be pending at a time and there is no degree of preference as between perfecting amendments, unanimous consent was required to withdraw the perfecting amendment to strike; objection to that request precluded the offering of other perfecting amendments at that time.

Member Offering Motion To Strike as Precluded From Offering Perfecting Amendment

§ 15.19 A Member who has offered a motion to strike a section of a bill may not thereafter offer a perfecting amendment to that section while his motion to strike is pending.

On Sept. 29, 1975,⁽²⁾ during consideration of a bill⁽³⁾ in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . .

. . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line 20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike the remainder of that section?

THE CHAIRMAN:⁽⁴⁾ the Chair will respond to the gentleman by saying that an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment.

MR. DERWINSKI: But obviously I am precluded at this point from offering an amendment to strike beginning on line 20, page 12.

THE CHAIRMAN: The Chair will state to the gentleman from Illinois that other Members would not be precluded from offering such an amendment.

Amendment Striking Out Title

§ 15.20 Where there was pending an amendment to strike

2. CONG. REC. 30772, 30773, 94th Cong. 1st Sess.
3. H.R. 8630, Postal Reorganization Act Amendments of 1975.
4. Walter Flowers (Ala.).

out a title of a bill, the Chairman indicated that a perfecting amendment inserting a new section within that title could be offered.

On Nov. 4, 1971,⁽⁵⁾ the following proceedings took place:

MRS. [EDITH S.] GREEN of Oregon: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mrs. Green of Oregon: Beginning with line 7 on page 256, strike out everything down through line 25 on page 262.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, is an amendment in order at this point which would amend that title as it now stands, when we have an amendment to strike the title now pending?

The Chairman Pro Tempore:⁽⁶⁾ the Chair will state to the gentleman that an amendment to the title would be in order.

Motion To Strike Precluded

§ 15.21 In response to a parliamentary inquiry, the Chair indicated (1) that the pendency of a perfecting amendment to a title of a bill would preclude the offering of an amendment to strike out the title; but (2) that the motion to strike could be of-

5. 117 CONG. REC. 39287, 39288, 39290, 92d Cong. 1st Sess. Under consideration was H.R. 7248.

6. Edward P. Boland (Mass.).

ferred following disposition of the perfecting amendment.

On Sept. 9, 1971,⁽⁷⁾ the following proceedings took place:

MR. [WAYNE N.] ASPINALL [of Colorado]: Mr. Chairman, I have the following inquiry of the Chairman: If a member of the committee should offer a perfecting amendment to title III, would that prevent the Member now speaking from offering his amendment to strike?

THE CHAIRMAN:⁽⁸⁾ If a perfecting amendment were pending, a motion to strike would not at that time be in order. The gentleman's motion could, however, be made at a subsequent time. . . .

MR. ASPINALL: I understood the Chair to say that after a motion to perfect had been made by a member of the committee, then my motion to strike the section as perfected would be in order. Is that correct?

THE CHAIRMAN: After the perfecting amendment is disposed of the motion to strike would be in order at that time.

Motion To Strike Not in Order as Substitute

§ 15.22 Where a perfecting amendment to a section of a bill was pending in the Committee of the Whole, the Chair indicated that an

7. 117 CONG. REC. 31132, 31133, 92d Cong. 1st Sess. Under consideration was H.R. 9727.

8. Otis G. Pike (N.Y.).

amendment to strike out that entire section would not be in order as a substitute for the pending amendment.

On Aug. 16, 1972,⁽⁹⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [James C.] Wright [Jr., of Texas]: Page 38, strike out lines 23 and 24 and insert in lieu thereof the following: . . .

MR. [MARION G.] SNYDER [of Kentucky]: Mr. Chairman, I should like to ask if an amendment to strike the entire section is in order as a substitute to this kind of amendment.

THE CHAIRMAN:⁽¹⁰⁾ the Chair will advise the gentleman that it is not.

§ 15.23 An amendment proposing to strike out a section is not a proper substitute for a perfecting amendment to that section (to strike out and insert), but where no point of order is raised against the substitute, the Chair nevertheless has followed the principle that the pending text should first be perfected before the vote recurs on striking it out.

On July 22, 1976,⁽¹¹⁾ the Committee of the Whole having under

9. 118 CONG. REC. 28400, 92d Cong. 2d Sess. Under consideration was H.R. 16071.

10. John Slack (W. Va.).

11. 122 CONG. REC. 23457, 23459, 23460, 94th Cong. 2d Sess.

consideration H.R. 13777, the Federal Land Policy and Management Act of 1976, the proceedings described above occurred as indicated below:

Amendment offered by Mr. [Bob] Eckhardt [of Texas]: On page 41, strike line 10 and all that follows through line 7 on page 43. Insert in lieu thereof the following:

§210(a)(1) The Secretary with respect to the commercial grazing of livestock on the public lands under the Taylor Grazing Act . . . shall charge, commencing with the calendar year 1980, an annual fee or fees per animal unit month for such grazing which shall be the approximate fair market value of the forage provided. . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Yates as a substitute for the amendment offered by Mr. Eckhardt: Page 41, strike out line 10 on page 41 and all lines thereafter on page 41. . . .

THE CHAIRMAN:⁽¹²⁾ The amendment offered by the gentleman from Texas (Mr. Eckhardt) is a perfecting amendment to section 210. The "substitute" offered by the gentleman from Illinois (Mr. Yates) is, in effect, a motion to strike the entire section against which no point of order was raised.

The first vote will be on the perfecting amendment offered by the gentleman from Texas (Mr. Eckhardt).

Vote on Motion To Strike

§ 15.24 Whether or not preferential perfecting amend-

12. Robert N. Giaimo (Conn.).

ments to the pending text, offered pending a motion to strike that text, are adopted or rejected, a vote still must be taken on the motion to strike (assuming that the perfecting amendments do not change the entire text pending).

On Oct. 3, 1977,⁽¹³⁾ during consideration of H.R. 3816,⁽¹⁴⁾ in the Committee of the Whole, a perfecting amendment was offered to a section of a bill while there was pending a motion to strike out that section. The proceedings were as indicated below:

MR. [ROBERT] KRUEGER [of Texas]:
Mr. Chairman, I offer an amendment.
The Clerk read as follows:

Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mrs. Fenwick:

Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of

such subsection, the court may grant such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent." . . .

MR. [MATTHEW J.] RINALDO [of New Jersey]: Mr. Chairman, am I correct in my understanding if there were a vote now, the vote would be on the Fenwick amendment and regardless whether it passes or fails, there would still be a vote on the Krueger amendment to strike the entire section?

THE CHAIRMAN:⁽¹⁵⁾ That is correct. All perfecting amendments will be in order before a vote on the Krueger amendment. The Krueger amendment will still be pending.

Adoption of Perfecting Amendment Coextensive With Motion To Strike

§ 15.25 The motion to strike out and insert takes precedence as a perfecting amendment over a motion to strike out, and if the perfecting amendment is agreed to, and is coextensive with the material proposed to be stricken, the motion to strike out the amended text falls and is not acted on.

On Dec. 17, 1970,⁽¹⁶⁾ during consideration of H.R. 19446, the Emergency School Aid Act of

13. 123 CONG. REC. 32013, 32017, 32019, 32020, 95th Cong. 1st Sess.

14. A bill to amend the Federal Trade Commission Act.

15. Abraham Kazen, Jr. (Tex.).

16. 116 CONG. REC. 42227, 42230, 91st Cong. 2d Sess.

1970, an amendment was offered by Mrs. Patsy T. Mink, of Hawaii:

The Clerk read as follows:

Amendment offered by Mrs. Mink: Amend section 3c on page 20 of the bill to read as follows:

“(c) Notwithstanding subsections (a) and (b) of this section and commencing with fiscal year 1972, no funds are authorized to be appropriated to carry out the provisions of this Act where any funds appropriated for the preceding fiscal year for any authorized program administered by the Office of Education are withheld from expenditure by the Department except as allowed by law.”

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, will the gentlewoman yield for a further parliamentary inquiry?

MRS. MINK: I yield.

MR. STEIGER of Wisconsin: May I inquire of the Chair as to whether or not, if the Mink amendment presently before the committee is adopted an amendment would be in order to strike that section?

THE CHAIRMAN:⁽¹⁷⁾ The Chair will advise the gentleman that the Mink amendment proposes to strike subsection (c) and insert new language. If that amendment is adopted it would not then be in order to strike subsection (c).

MRS. MINK: Mr. Chairman, I yield back the remainder of my time.

MR. STEIGER of Wisconsin: Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentlewoman from Hawaii.

The Clerk read as follows:

Amendment offered by Mr. Steiger of Wisconsin as a substitute for the amendment offered by Mrs. Mink: On page 20, strike out lines 11 through 16.

THE CHAIRMAN: The Chair would like to state the parliamentary situation before putting the question on the pending amendments.

The amendment offered by the gentlewoman from Hawaii is a motion to strike out the subsection and insert new language. The amendment offered by the gentleman from Wisconsin is a motion to strike out the subsection. The precedents indicate that in this situation the proponents of the subsection should be given a chance to perfect it before the vote is taken on striking it from the bill.

If the Mink amendment is agreed to, the motion to strike out then falls and is not voted on. If the amendment of the gentlewoman from Hawaii is defeated, then the vote will recur on the motion to strike.

Parliamentarian's Note: In this instance, without objection, a motion to strike out was permitted to be offered as a substitute for a motion to strike out and insert, although under the precedents such an amendment is not in order as a substitute. (See Rule XVI clause 7, *House Rules and Manual* § 793 (101st Cong.), stating that a motion to strike out and insert is not divisible.)

Amendments After Vote on Motion To Strike

§ 15.26 Where a motion to strike out is pending, per-

17. James C. Corman (Calif.).

fecting amendments may be offered, seriatim, and acted on before consideration of the motion to strike; and if the motion to strike out is ultimately defeated, further perfecting amendments to the pending text are yet in order.

On Aug. 3, 1966,⁽¹⁸⁾ the following proceedings took place:

MR. [WILLIAM C.] CRAMER [of Florida]: Did I understand the Chair to say that all amendments have to be disposed of to this title before the Moore motion to strike is taken up?

THE CHAIRMAN:⁽¹⁹⁾ As it has been indicated, the title will be open to perfecting amendments before the vote on the motion of the gentleman from West Virginia. . . .

MR. CRAMER: It is my understanding that action could be taken on the Moore amendment to strike and if that did not prevail, then further amendments to the title would be in order?

THE CHAIRMAN: That is correct.

§ 15.27 While a perfecting amendment has precedence over an amendment to strike out, the rejection of the motion to strike does not preclude perfecting amendments.

18. 112 CONG. REC. 18136, 89th Cong. 2d Sess. Under consideration was H.R. 14765.

19. Richard Bolling (Mo.).

On July 26, 1939,⁽²⁰⁾ the following proceedings took place:

Amendment offered by Mr. [Lindsay C.] Warren [of North Carolina]: On page 266, line 17, strike out "2" and insert "3".

MR. [CARL E.] MAPES [of Michigan]: Mr. Chairman, I make the point of order that this amendment comes too late. Perfecting amendments should be offered before a motion to strike out the section. . . .

THE CHAIRMAN:⁽¹⁾ The Chair is of the opinion that while the gentleman had the privilege of offering this amendment before a vote was taken on the motion to strike, the action taken on the motion to strike does not preclude the offering of a perfecting amendment.

The Chair will read section 7 of rule XVI, as follows:

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.

Amendments to Amendment and to Substitute; Order of Voting

§ 15.28 Perfecting amendments to an amendment are offered and voted on before a perfecting amendment pending to the substitute is voted on;

20. 84 CONG. REC. 10107, 76th Cong. 1st Sess. Under consideration was S. 2009, the Transportation Act of 1939.

1. Marvin Jones (Tex.).

but disposition of the perfecting amendment to the substitute does not preclude the offering of further amendments to the amendment.

On May 15, 1979,⁽²⁾ the Committee of the Whole having under consideration H.R. 39,⁽³⁾ the above-stated proposition was illustrated as indicated below:

MR. [JOHN B.] BREAUx [of Louisiana]: I would ask the Chair, is it appropriate now that we consider voting on the Seiberling amendment?

THE CHAIRMAN:⁽⁴⁾ The Chair will put the question.

MR. [DON] YOUNG of Alaska: Mr Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. YOUNG of Alaska: There is an additional amendment to the Breaux-Dingell bill by the gentleman from Washington (Mr. Swift). Is that not what is before the House right now?

THE CHAIRMAN: The Chair would make clear that voting on the Seiberling amendment does not preclude further amendments to the Merchant Marine and Fisheries amendment in the nature of a substitute.

The question is on the amendments en bloc offered by the gentleman from Ohio (Mr. Seiberling) to the substitute

offered by the gentleman from Arizona (Mr. Udall).

The amendments to the substitute were agreed to.

§ 15.29 Where there is pending an amendment to the text and a substitute for such amendment, amendments are in order to any part of the amendment and the substitute, and after the amendments are perfected, the substitute is voted on first.

On Feb. 4, 1946,⁽⁵⁾ during consideration of a bill relating to the investigation of labor disputes,⁽⁶⁾ a motion was made, as follows:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I move to strike out all after the enacting clause and insert as a substitute the text of the bill H.R. 5262. . . .

Subsequently, the following proceedings took place:⁽⁷⁾

MR. [SHERMAN] ADAMS [of New Hampshire]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from South Dakota [Mr. Case].

The Clerk read as follows:

Amendment offered by Mr. Adams as a substitute for the Case amendment:

"That the Congress hereby declares that the objectives of this act

2. 125 CONG. REC. 11180, 96th Cong. 1st Sess.

3. Alaska National Interest Lands Conservation Act of 1979.

4. Paul Simon (Ill.).

5. 92 CONG. REC. 836, 79th Cong. 2d Sess.

6. H.R. 4908.

7. 92 CONG. REC. 839, 844, 79th Cong. 2d Sess.

are to avoid and diminish strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening, or obstructing commerce, and to aid in attaining increased prosperity by achieving the highest degree of production at wages assuring a steadily advancing standard of living, by encouraging the acceptance of collective bargaining and voluntary conciliation, mediation, and arbitration agreements, thereby disposing of controversies between labor and management by peaceful means and discouraging avoidable strife through strikes and lock-outs.

"SEC. 2. When used in this act—

"(1) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States . . .

MR. [CLARE E.] HOFFMAN [of Michigan]: Are amendments to the substitute also in order at this time?

THE CHAIRMAN: ⁽⁸⁾ They are. Amendments to the Case amendment and to the Adams substitute are in order. . . .

MR. CASE of South Dakota: May I ask, so that it will be clear to everybody, that the Chair state the order in which amendments will be voted upon?

THE CHAIRMAN: Amendments to the Case bill are in order, amendments to the substitute are in order and when those two are perfected, one or the other, the substitute will be voted on first, the Case bill second.

§ 15.30 Once a perfecting amendment to an amendment is disposed of, the original amendment, as amended or not, remains open to further perfecting amendment,

8. Emmet O'Neal (Ky.).

and all such amendments are disposed of prior to voting on substitutes for the original amendment and amendments thereto.

The proposition stated above was the basis of the following proceedings, which occurred on July 26, 1984,⁽⁹⁾ during consideration of H.R. 11 ⁽¹⁰⁾ in the Committee of the Whole:

The Clerk will report the amendment offered by the gentleman from Indiana (Mr. Coats).

The Clerk read as follows:

Amendment offered by Mr. Coats: Page 91, after line 14, insert the following new section (and redesignate the succeeding sections accordingly):

VOLUNTARY SCHOOL PRAYER

Sec. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section: . . .

MR. [STEVEN] GUNDERSON [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

MR. [DAN R.] COATS [of Indiana]: Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. Gunderson to the amendment offered by Mr. Coats:

In Section 420A of the General Education Provisions Act (as pro-

9. 130 CONG. REC. 21231, 21241, 21242, 21251, 21253, 98th Cong. 2d Sess.

10. The education amendments of 1984.

posed to be added by the amendment of the amendment of the gentleman from Indiana) strike out the first sentence and insert in lieu thereof the following: 'No State or local educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer.' . . .

MR. [DUNCAN L.] HUNTER [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Hunter as a substitute for the amendment offered by Mr. Coats: In lieu of the matter proposed to be inserted, insert the following:

VOLUNTARY SCHOOL PRAYER

Sec. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section: . . .

MR. [DON] BONKER [of Washington]: Mr. Chairman, we have a fairly complex parliamentary procedure. I wonder if the Chair would explain to the Members the various motions as they would occur.

THE CHAIRMAN PRO TEMPORE:⁽¹¹⁾ The first vote will be on the Gunderson amendment to the amendment of Mr. Coats. If no further amendments are offered to the Coats amendment, then the vote will occur on the substitute amendment offered by the gentleman from California (Mr. Hunter) if no amendments are offered to his substitute amendment.

MR. BONKER: As amended?

THE CHAIRMAN PRO TEMPORE: As amended or not.

MR. BONKER: Possibly by Gunderson, if that amendment is adopted?

THE CHAIRMAN PRO TEMPORE: Or possibly by another Member . . .

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Chairman, I was confused by that explanation; could the Chair go over it once again?

THE CHAIRMAN PRO TEMPORE: . . . The first vote will be on the Gunderson amendment to the Coats amendment. If no other amendments are offered, then the next vote will be on the Hunter amendment, which is a substitute for the Coats amendment. Any amendment to the Hunter substitute would have to be offered before the vote on the Hunter substitute. Then after the Hunter substitute is voted on, the Coats amendment will be voted on.

Point of Order Against Amendment to Substitute Does Not Lie Even Where Identical to Original Amendment

§ 15.31 A point of order against an amendment to a substitute does not lie merely because its adoption would have the same effect as the adoption of a pending amendment to the original amendment and would render the substitute as amended identical to the original amendment as amended.

Where there was pending an amendment to a joint resolution to insert text (A), an amendment

11. Abraham Kazen, Jr. (Tex.).

to said amendment to insert instead text (B), and a substitute for the amendment to insert text (A) and (B) together, the Chair overruled a point of order against an amendment to the substitute to delete text (A), since there is no precedent which would preclude the offering of an amendment to a substitute merely because it is similar to or achieves the same effect as an amendment to the original amendment. The proceedings of May 4, 1983,⁽¹²⁾ were as follows:

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lungren: On page 5 at line 19, insert "(a)" after "2.", and after line 23 add the following:

"(b) Consistent with the treaty-making powers of the President under the Constitution, nothing in this resolution shall be construed to be binding on the President or his negotiators in the formulation of strategy, instructions or positions in the conduct of the strategic arms reduction talks (START)."

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Zablocki to the amendment offered by Mr. Lungren: In the text of the matter proposed to be added to the resolution by the Lungren amendment,

strike out all that follows "(b)" through "(START)" and insert in lieu thereof the following:

Nothing in this resolution shall be construed to supersede the treaty-making powers of the President under the Constitution.

THE CHAIRMAN:⁽¹³⁾ The gentleman from Wisconsin (Mr. Zablocki) is recognized for 15 minutes in support of his amendment, for purposes of debate only.

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Courter as a substitute for the amendment offered by Mr. Lungren: In lieu of the matter proposed by said amendment, insert the following:

On page 5, line 19, insert "(a)" after "2.", and after line 23 add the following:

"(b) Nothing in this resolution shall be construed to supercede the treaty-making powers of the President under the Constitution, and therefore nothing in this resolution shall be construed to be binding on the President or his negotiators in the formulation of strategy, instructions or positions in the conduct of the Strategic Arms Reductions Talks (START)."

MR. ZABLOCKI: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Zablocki to the amendment offered by Mr. Courter as a substitute for the amendment offered by Mr. Lungren:

12. 129 CONG. REC. 11046, 11052, 11056, 11059, 98th Cong. 1st Sess.

13. Matthew F. McHugh (N.Y.).

In proposed new subsection (b), strike out all that follows "Constitution" through "(START)". . . .

MR. COURTER: Mr. Chairman, I have a point of order against the amendment to the substitute.

Mr. Chairman, I have had a chance to look very briefly at the amendment to the substitute and it is simply a restatement of the gentleman's amendment to the amendment and as such is improper at the present time, the purpose of which is dilatory only and the purpose of which is not obviously to legitimately amend a substitute. . . .

MR. ZABLOCKI: . . . The gentleman from New Jersey marries, so to speak, the two amendments, the amendment of the gentleman from California and the amendment of the gentleman from Wisconsin as a substitute.

All the amendment of the gentleman from Wisconsin does is amend the substitute, divorcing, or at least, deleting the latter part of the gentleman's amendment so that we can have an up and down vote on the two proposals.

And I believe an amendment to a substitute is in order whether it takes away or adds on to the language of a substitute.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair rules that the amendment offered by the gentleman from Wisconsin (Mr. Zablocki) to the substitute offered by the gentleman from New Jersey, is germane to the substitute. There is no precedent which would preclude the offering of that amendment to the substitute merely because it is similar or the same in effect as the amendment offered to the original amendment.

Therefore, the point of order is rejected.

Amendments to Original Text While Amendment in Nature of Substitute Pending; Order of Voting

§ 15.32 A perfecting amendment to the first section of a bill may be offered while an amendment in the nature of a substitute for the entire bill is pending.

On Apr. 10, 1962,⁽¹⁴⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Thomas B.] Curtis of Missouri: Page 1, line 1, strike out all after the enacting clause and insert: "That section 204 of the Agricultural Act of 1956 is hereby repealed."

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, if I may submit a parliamentary inquiry, does the Chair wish to dispose of the pending amendment first? I have an amendment to offer.

THE CHAIRMAN:⁽¹⁵⁾ Is the gentleman's amendment a perfecting amendment?

MR. GROSS: No; it is an amendment to the bill.

THE CHAIRMAN: That would be a perfecting amendment, the Chair will state.

14. 108 CONG. REC. 6167-69, 87th Cong. 2d Sess. Under consideration was H.R. 10788.

15. Clark W. Thompson (Tex.).

[The amendment was offered and rejected.]

§ 15.33 A perfecting amendment to a pending paragraph of an appropriation bill is in order and is not precluded by the intervention of an amendment in the nature of a substitute for the paragraph and several of those following.

On July 29, 1969,⁽¹⁶⁾ the following proceedings took place:

MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I offer an amendment to the paragraph just read which is a simple substitute to several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that after the amendment is agreed to I will make a motion to strike out the paragraphs appearing as follows: . . .

The Clerk read as follows:

Amendment offered by Mr. Joelson: On page 25 strike out lines 9 through 24 and substitute in lieu thereof the following paragraph: . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, the entire substitute, as I understand, is open to amendment at any point, but insofar as the bill is concerned is the paragraph on page 25 which was read by the Clerk also open to amendment?

THE CHAIRMAN:⁽¹⁷⁾ The gentleman is correct.

16. 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

17. Chet Holifield (Calif.).

§ 15.34 While there is pending an amendment in the nature of a substitute to a bill, perfecting amendments to the bill may be offered to that portion (usually only the first section) of the text of the bill which has been read and is open to amendment.

On Nov. 24, 1970,⁽¹⁸⁾ the following proceedings took place:

MR. [WILLIAM A.] STEIGER of Wisconsin: Am I correct in understanding that the unanimous-consent request of the gentleman from Kentucky was to end debate on the amendment in the nature of a substitute, H.R. 19200, and any amendments thereto at 2:15 p.m.?

MR. [CARL D.] PERKINS [of Kentucky]: That is correct, only on the substitute. We hope that the committee bill will prevail, and that we will then proceed to the amendment process on the committee bill. . . .

MR. GERALD R. FORD [of Michigan]: As I understand the rule and the procedure, amendments can be offered to the committee bill at the present time; is that correct? . . .

THE CHAIRMAN:⁽¹⁹⁾ Amendments may be offered to the substitute until 2:15. All debate on the substitute and any amendments to the substitute will be terminated at that time. . . .

MR. GERALD R. FORD: Mr. Chairman, may I more specifically define my parliamentary inquiry: Is the Chair

18. 116 CONG. REC. 38704, 38705, 91st Cong. 2d Sess. Under consideration was H.R. 16785.

19. James C. Corman (Calif.).

ruling that there can be no amendments offered between now and 2:15 to the committee bill?

THE CHAIRMAN: Only to that portion of the committee bill which has been read.

§ 15.35 Where a perfecting amendment to the first section of a bill is offered and rejected, a second perfecting amendment may be offered prior to the vote on a pending amendment in the nature of a substitute for the entire bill.

On Apr. 10, 1962,⁽²⁰⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Thomas B.] Curtis of Missouri: Page 1, line 1, strike out all after the enacting clause and insert: "That section 204 of the Agricultural Act of 1956 is hereby repealed." . . .

MR. [H. R.] GROSS [of Iowa]: . . . I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 1, line 12, strike out the period and quotation marks and insert a colon and add the following: . . .

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 46, noes 76.

So the amendment was rejected.

MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, I offer an amendment.

²⁰ 108 CONG. REC. 6167–69, 87th Cong. 2d Sess. Under consideration was H.R. 10788.

The Clerk read as follows:

Amendment offered by Mr. Findley: On page 1, line 12, after the word "agreement" strike out the period and insert a colon and the following: . . .

The amendment was rejected.

THE CHAIRMAN:⁽¹⁾ The question is on the amendment offered by the gentleman from Missouri [Mr. Curtis].

The amendment was rejected.

§ 15.36 Where there is pending an amendment in the nature of a substitute and a substitute therefor, it is in order to offer a perfecting amendment to the pending portion of original text, and the perfecting amendment is first voted upon.

On May 1, 1975,⁽²⁾ the Committee of the Whole having under consideration House Concurrent Resolution 218,⁽³⁾ the proceedings described above were as follows:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. O'Neill:

Strike out all after the resolving clause and insert in lieu thereof the following:

1. Clark W. Thompson (Tex.).
2. 121 CONG. REC. 12765, 12771, 12776, 94th Cong. 1st Sess.
3. Setting forth the congressional budget on an aggregate basis for fiscal 1976.

"That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975"—

"(1) the recommended level of Federal revenues is \$295,181,000,000. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Latta as a substitute for the amendment in the nature of a substitute offered by Mr. O'Neill: Strike out all after the resolving clause in House Concurrent Resolution 218 and insert in lieu thereof the following:

"That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

"(1) the recommended level of Federal revenues is \$296,400,000,000. . . .

MR. [PHIL M.] LANDRUM [of Georgia]: Mr. Chairman, I offer a series of amendments.

The Clerk read as follows:

Amendments offered by Mr. Landrum: Page 1, line 11, strike out "\$395,600,000,000" and insert in lieu thereof "\$387,486,000,000".

Page 2 line 2, strike out "\$368,200,000,000" and insert in lieu thereof "\$361,012,000,000". . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I have a point of order.

THE CHAIRMAN:⁽⁴⁾ The gentleman will state it.

MR. ROUSSELOT: Is this an amendment to the substitute offered by the gentleman from Ohio (Mr. Latta)?

THE CHAIRMAN: The Chair understands that it is perfecting amendment to the original resolution.

MR. ROUSSELOT: Is it in order, then, at this time?

THE CHAIRMAN: It is, the Chair will state.

After further proceedings, the following exchange occurred:

MR. [BROCK] ADAMS [of Washington]: . . . It is my understanding that there is presently pending the O'Neill amendment in the nature of a substitute to the original text, a Latta substitute to the O'Neill amendment, a perfecting amendment by Mr. Reuss to the O'Neill amendment, a perfecting amendment by Mr. Rousselot to the Latta substitute, and an amendment to the original text by Mr. Landrum.

I intend to oppose the Landrum amendment, the Latta substitute, and the Rousselot amendment, and I would like to know which one will be first voted on by the body, so that I can address myself to that one.

THE CHAIRMAN: The Chair will respond to the gentleman from Washington (Mr. Adams) that the first vote will occur on the Landrum perfecting amendment to the concurrent resolution.

§ 15.37 While an amendment in the nature of a substitute is pending to a proposition which is open to amendment at any point, a perfecting amendment to the original

4. Richard Bolling (Mo.).

text may be offered, and a perfecting amendment to the amendment in the nature of a substitute may be offered; but the perfecting amendment to the original text is voted on first.

An example of the situation described above occurred on May 3, 1979,⁽⁵⁾ during consideration of House Concurrent Resolution 107⁽⁶⁾ in the Committee of the Whole. The proceedings were as follows:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Rousselot: Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is \$515,000,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is \$10,000,000,000. . . .

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, I offer a perfecting

amendment to the text of the concurrent resolution (H. Con. Res. 107).

The Clerk read as follows:

Perfecting amendment offered by Mr. Wylie: Strike out sections 1 through 5 and insert in lieu thereof the following:

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979. . . .

MR. [CHARLES E.] GRASSLEY [of Iowa]: Mr. Chairman, I offer a perfecting amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Perfecting amendment offered by Mr. Grassley to the amendment in the nature of a substitute offered by Mr. Rousselot:

In the matter relating to the appropriate level of total new budget authority reduce the amount by \$1,100,000,000. . . .

MR. WYLIE: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:⁽⁷⁾ The gentleman from Ohio will state his parliamentary inquiry.

MR. WYLIE: The gentleman from Iowa (Mr. Grassley) is offering an amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot) as I understand it.

THE CHAIRMAN: The gentleman is correct.

MR. WYLIE: That would be voted on before my perfecting amendment?

THE CHAIRMAN: No. The perfecting amendment offered by the gentleman

5. 125 CONG. REC. 9654, 9660, 96th Cong. 1st Sess.

6. The first concurrent resolution on the Budget, fiscal 1980.

7. William H. Natcher (Ky.).

from Ohio (Mr. Wylie) to the concurrent resolution would be voted on first.

MR. WYLIE: That was my understanding Mr. Chairman. My amendment includes the amendment offered by the gentleman from Iowa (Mr. Grassley).

MR. GRASSLEY: Mr. Chairman, I am offering the perfecting amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot).

THE CHAIRMAN: The gentleman from Ohio (Mr. Grassley) is offering the perfecting amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot). The perfecting amendment to the main resolution offered by the gentleman from Ohio would be voted on first.

§ 15.38 Pending the vote on a perfecting amendment to an amendment in the nature of a substitute (to a proposition open for amendment at any point), a perfecting amendment to the original text may be offered and must be voted on first.

On May 3, 1979,⁽⁸⁾ during consideration of House Concurrent Resolution 107⁽⁹⁾ in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I move to strike

8. 125 CONG. REC. 9664, 96th Cong. 1st Sess.

9. The first concurrent resolution on the Budget, fiscal 1980.

the requisite number of words, and I rise in opposition to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot).

MR. SOLARZ: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁰⁾ The gentleman will state his parliamentary inquiry.

MR. SOLARZ: Mr. Chairman, if I were to withdraw my request to speak at this particular time on the Rousselot amendment in the nature of a substitute, would a vote then be in order on the Grassley amendment to the Rousselot amendment in the nature of a substitute?

THE CHAIRMAN: The gentleman is correct.

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I have an amendment at the desk which I think would precede the vote on the Rousselot amendment in the nature of a substitute.

THE CHAIRMAN: Is the gentleman's amendment a perfecting amendment to the resolution?

MR. SOLOMON: To the basic resolution, yes, Mr. Chairman.

THE CHAIRMAN: The Clerk will report the amendment.

MR. SOLOMON: Mr. Chairman, I offer a perfecting amendment.

The Clerk read the perfecting amendment offered by Mr. Solomon and, following brief debate, the Chair put the question thereon.

§ 15.39 During consideration of a bill pursuant to a special

10. William H. Natcher (Ky.).

rule permitting the majority and minority leaders to offer amendments not printed in the Record but permitting all other Members to offer only amendments to the bill which have been printed in the Record, the majority leader was allowed to offer an amendment in the nature of a substitute not printed in the Record, but while the substitute was pending, another Member was permitted to offer to the bill a perfecting amendment printed in the Record.

During the proceedings of July 28, 1983,⁽¹¹⁾ in the Committee of the Whole, it was demonstrated that, pending an amendment in the nature of a substitute for an entire bill, perfecting amendments to the pending portion of the bill could still be offered.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Wright: Strike out all after the enacting clause and insert in lieu thereof the following:

That the Intelligence Authorization Act for Fiscal Year 1983 is

11. 129 CONG. REC. 21468-70, 98th Cong. 1st Sess.

amended by adding at the end thereof the following new title. . . .

MR. [HENRY J.] HYDE [of Illinois]: I have an amendment that was printed in the Record. Will I be given an opportunity to offer it?

THE CHAIRMAN:⁽¹²⁾ The Chair will advise the gentleman that a printed perfecting amendment to the bill can be offered before the vote on the Wright amendment in the nature of a substitute.

Bill Consisting of One Section

§ 15.40 An amendment in the nature of a substitute is ordinarily offered after the reading of the first section of a bill being read by sections, prior to committee amendments adding new sections; however, where a bill consists of one section and is therefore open to amendment at any point when read, committee amendments adding new sections are considered perfecting amendments and are disposed of prior to the offering of amendments in the nature of a substitute.

On Nov. 7, 1975,⁽¹³⁾ the Committee of the Whole having under consideration H.R. 6346,⁽¹⁴⁾ the

12. William H. Natcher (Ky.).

13. 121 CONG. REC. 35525, 35526, 94th Cong. 1st Sess.

14. Rural Development Act amendments.

Chair ruled as described above. The proceedings were as follows:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 503 of the Rural Development Act of 1972 (7 U.S.C. 2663(a)) is amended by striking the word "and", and changing the period at the end thereof to a comma, and adding the following: "not to exceed \$5,000,000 for the period July 1, 1976, through September 30, 1976, and not to exceed \$20,000,000 for each fiscal year thereafter".

MR. [CHARLES] ROSE [of North Carolina] (during the reading): Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:⁽¹⁵⁾ Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MR. [KEITH G.] SEBELIUS [of Kansas]: Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

THE CHAIRMAN: First we will have the Clerk report the committee amendments.

COMMITTEE AMENDMENTS

THE CHAIRMAN: The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 8, strike the word "each" and insert in lieu thereof the word "the", and in line 9, strike the word "there-

after" and insert in lieu thereof the words "ending September 30, 1977".

The committee amendment was agreed to.

THE CHAIRMAN: The Clerk will report the next committee amendment.

...

MR. SEBELIUS: Mr. Chairman, I make a point of order that I have an amendment in the nature of a substitute at the desk, and that that takes precedence at this time over the committee amendments.

THE CHAIRMAN: The Chair rules that the bill, consisting of one section, has been read and that the committee amendments are perfecting amendments and, therefore, take precedence over any amendment in the nature of a substitute.

Parliamentarian's Note: With a bill consisting of several sections, an amendment in the nature of a substitute should be offered after the reading of the first section and following disposition of perfecting amendments to the first section; but if a committee amendment adding a new section two were permitted to be considered first in that context, its adoption would preclude offering an amendment in the nature of a substitute until the end of the bill (since the first section of the bill would no longer be subject to amendment, a new section having been inserted).

§ 16. Motions To Strike Out and Insert

15. Tom Bevill (Ala.).